



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ♦ Ellicott City, Maryland 21043 ♦ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3467

TDD 410-313-2323

TECHNICAL STAFF REPORT **"WAVERLY OVERLOOK"**

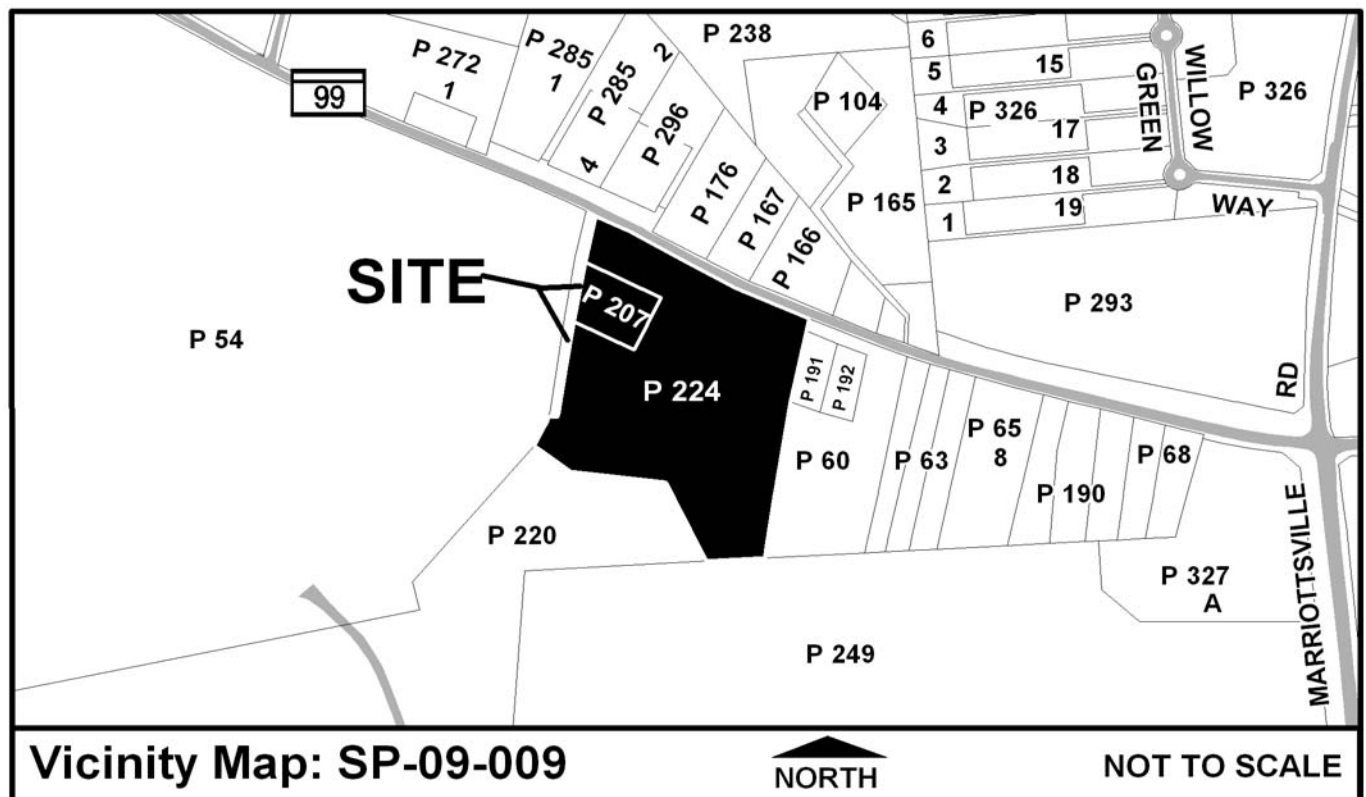
Planning Board Hearing of July 8, 2009 at 7:00 p.m.

Case No./Petitioner: PB Case No. 386, Morsberger, LLC

Project Name: Waverly Overlook, SP-09-009

Request: The request is for approval of a Preliminary Equivalent Sketch Plan (PES) for the construction of 26 single-family detached dwelling units (SFDs), 5 open space lots and other site improvements on 13.504 acres of land in accordance with Section 108.F. of the Howard County Zoning Regulations which allows for density exchange in certain instances to R-20 (Residential: Single) zoned properties developed pursuant to R-ED (Residential: Environmental Development) district regulations.

Location: The single family dwellings, open space lots and public right-of-way would be located on the south side of Old Frederick Road (1700 feet west of Marriottsville Road) on Tax Maps 10 & 16, Grids 21 & 4, Parcels 207 and 224 in the Third Election District of Howard County, Maryland.



Vicinal Properties:

The subject property is identified as Parcels 207 and 224 situated on the south side of Old Frederick Road. Parcel 54 (owned by Howard County) adjoins Parcel 207 and 224 to the **west**. Adjoining the subject properties to the **south** are Parcels 220 (owned by Howard County) and 249 (owned by GTW Joint Venture). Parcel 60 (owned by Benjamin Williams and Lestine Romaine) and Parcel 191 (owned by Benjamin Williams & wife) border the property to the **east**. Old Frederick Road borders the property to the **north**. Parcels 54 and 220 are zoned RC-DEO (Rural Conservation-Density Exchange Option). Parcel 249 is zoned PSC (Planned Senior Community) and Parcels 60 and 191 are zoned R-20 (Residential:Single).

Legal Notices:

The subject property was properly posted with one (1) official Planning Board notice, at the entrance to the proposed subdivision along Old Frederick Road. Certification that the legal advertisements appeared in the Baltimore Sun on May 27, 2009 and in the Howard County Times on May 28, 2009 were placed into the file for the record.

Regulatory Compliance:

This project is subject to compliance with the amended Fifth Edition of the Howard County Subdivision and Land Development Regulations, the Howard County Zoning Regulations (effective 7/28/06), the Adequate Public Facilities Ordinance (APFO) and the Howard County Forest Conservation and Landscape Manuals.

Site History:

S-07-002: Hearthstone at Little Patuxent: Proposed residential lots 1-21 and open space lots 22-24. Submitted: 11/1/06. Approved: 6/6/07. Proposed development of the site was in compliance with the R-20 Zoning Regulations.

WP-08-115: Hearthstone at Little Patuxent: Request to waive Section 16.146 of the Howard County Subdivision and Land Development Regulations which requires Preliminary Plan submittal. Submitted: 9/11/07. Approved, with conditions: 10/11/07.

SDP-08-115: Waverly Overlook (formerly Hearthstone at Little Patuxent): Proposed lots 1-21 and open space lots 22-25. Submitted: 5/29/08. Request to remove from "active processing" from consultant (FCC) on 8/12/08 and owner/developer (Morsberger, LLC) on 8/26/08. Plan voided on 9/4/08.

F-08-134: Waverly Overlook (formerly Hearthstone at Little Patuxent): Proposed lots 1-21 and open space lots 22-25. Submitted: 2/11/08. Request to remove from "active processing" from consultant (FCC) on 8/12/08 and owner/developer (Morsberger, LLC) on 8/26/08. Plan voided on 9/4/08.

General Comments:

Overall site conditions and pending proposal: The property consisting of two parcels (Parcel 207 and 224), is zoned R-20 and consists of 13.504± acres of land, located on Old Frederick Road. It is currently improved with a dwelling and several outbuildings. The dwelling was built in 1995 and the outbuildings were also built in the 1990's. The dwelling and all other existing structures are to be razed. Of the 13.504 acres, 0.70 acre is encumbered by floodplain. There are no steep slopes (25% or greater) existing on site. The site also contains a portion of the Little Patuxent River, associated stream buffers, wetlands and associated wetland buffers. Of the existing 1.3 acres of existing forest (excluding floodplain), 0.15 acre are proposed to be cleared or maintained outside of a Forest Conservation Easement (FCE).

The pending Preliminary Equivalent Sketch plan, SP-09-009 (initially submitted on February

27, 2009) currently proposes a total of 26 residential lots (including 1 unit to be transferred to the site using the Neighborhood Preservation Density Exchange) ranging in size from 6,000 square feet to 9,022 square feet. All lots would gain access onto a planned public road ("Mansion Overlook Court" and yet unnamed "Road A"). Five open space lots are also proposed ranging in size from 8,232 square feet (non-credited) to 2.378 acres. By letter dated May 18, 2009, the Preliminary Equivalent Sketch Plan was considered "approvable" subject to Planning Board approval and minor comments issued by the Development Engineering Division, the State Highway Administration, the Soil Conservation District and the Division of Land Development.

Relevant Sections 108.F.2. & 108.F.3.:

Section 108.F.2., contained within the R-20 (Residential: Single) Howard County zoning district regulations states that "a parcel may be developed as a receiving parcel in association with Neighborhood Preservation Parcel sending parcels at a bonus of up to 10% more dwelling units than would be achievable based on net density in the R-ED District if developed as single-family detached dwelling using the R-ED regulations, in accordance with 108F.3. and Section 128.L. requirements".

- Density in the R-ED zoning district is 2 dwelling units per net acre. Based on a net acreage of 12.804 acres (13.504 acres – 0.70 acre floodplain), this project is permitted to propose 25 dwelling units.
- Based on the permitted 10% bonus, 2 additional units would be permitted to be transferred. The applicant is proposing to transfer 1 additional unit, for a total of 26 units. The identity of the sending parcel would be finalized at Final Plan stage.
- Per Section 128.L. the receiving property must be at least 11 acres in size. The total acreage of this proposal is 13.504 acres.

Section 108.F.3., contained within the R-20 (Residential: Single) Howard County zoning district regulations states that "land in the R-20 District may be developed pursuant to the R-ED district regulations in their entirety, if the property to be developed is:

1. Subdivided for single-family detached units only; and
2. A lot or group of contiguous lots with a combined total lot area of more than 100,000 square feet (2.296 acres).
3. In addition, land developed pursuant to this section is subject to the R-ED district regulations, including the requirement for Planning Board review, except that structures are required to be set back 75 feet from project boundaries adjoining single-family detached developments."

This proposed development meets these requirements.

Historic Structures and Cemeteries: There are no known historic structures, features or cemeteries on site.

Scenic Roads: Old Frederick Road is not considered a scenic road.

Water and Sewer: This project will be served by public water and sewer service.

APFO Roads Test: A Traffic Study was prepared by Mars Group dated January, 2009. The

Study identified the intersection of MD. Route 99 and Marriottsville Road as the key intersection which is currently operating at a level-of-service "E". Howard County criteria indicate that at intersections where the major movement is along State roads the minimum level-of-service is "E". Therefore, the existing operation is acceptable. After implementation of the proposed APFO intersection improvements by the GTW's Waverly Woods, F-07-032 development plan this key intersection will operate at level-of-service "A". The F-07-032 plan improvements are to be bonded for construction by others. This study was determined to be acceptable by the County (Development Engineering Division).

Schools Test: This property is located in the Ellicott City Planning Area, the West School Region, the West Friendship Elementary School District and the Mount View Middle School District. Upon the issuance of the Decision and Order by the Planning Board, the tests for availability of housing unit allocations and school capacity will be taken. At the present time, housing unit allocations are available and school capacity exists.

Noise Impact Analysis: A Noise Impact Analysis was prepared by Mars Group dated January, 2009. The 65dBA is not located on any proposed residential lot. Per the Development Engineering Division, Open Space Lots 27 and 28 act as a buffer by creating distance between the residential lots and the noise generated by Old Frederick Road.

Stormwater Management: Recharge volume will be provided through the use of a stone reservoir. Water quality and channel protection volume will be provided by a pocket pond and a pocket sand filter. All stormwater management facilities would be located on Open Space Lot 31. This lot will be owned by the Home Owner's Association.

Forest Conservation: There are 1.3 acres of existing forest (located outside of the floodplain) on site, located on the southern portion of the site. Of the existing forest, 0.15 acres are proposed to be cleared or maintained outside of a FCE. The remaining 1.15 acre, along with 0.7 acre of forested floodplain, are proposed to be retained within a single easement area (FCE #1) in an area encumbered by stream, stream buffer, wetland and wetland buffer. An additional 0.9 acre of trees will be planted in proposed Forest Conservation Easement #2. The on-site retention and planting will address the requirements of the Forest Conservation Act.

Environmental Concerns: The gross site area is 13.504 acres, of which 0.7 acre are encumbered by floodplain. The site also contains a portion of the Little Patuxent River associated stream buffers, wetlands and associated wetland buffers. These areas, including the floodplain, would be contained within a forest conservation easement. Steep slopes (slopes that are 25% or greater) do not exist on site.

As previously stated, of the existing 1.3 acres of forest, 0.15 acre are proposed to be cleared or maintained outside of a FCE. All forest conservation obligations are proposed to be met on-site, through retention and planting. There are specimen trees on site. They have not been specifically located on the plan as they exist within existing forest in areas that do not fall within the limits of disturbance.

Landscaping: This project will meet the minimum requirements of the Howard County Landscape Manual (perimeter, stormwater management and street tree requirements) through both plantings and credit for existing vegetation.

Setback Requirements:

The following setbacks are required per the R-ED zoning district:

- 20' setback for structures (front or side) from an internal street right-of-way.
- 20' front yard setback for structures from a property line.
- 7.5' side yard setback for structures from a property line.
- 25' rear yard setback for structures from a property line.
- 30' for structures in single-family detached developments from project boundaries or per Section 108.F.3.b., 75' from project boundaries adjoining single-family detached developments.

This proposed development currently respects all required setbacks.

Planning Board Evaluation Criteria:

Section 107.E.6. of the Howard County Zoning Regulations outlines the following criteria to be used for evaluating a Preliminary Equivalent Sketch Plan:

1. "The proposed lay-out of lots and open space effectively protects environmental and historic resources."

With this proposal, a total of 6.752 acres (50% of the gross site area) of credited open space is required. The applicant is proposing a total of 6.796 acres of credited open space or 50.3% total open space (an additional 0.189 acres of non-credited open space is also proposed). To maximize the open space and protect environmental resources, the residential lots have been clustered and created with lot sizes near the allowable minimum (6,000 square feet). The Little Patuxent River and its associated stream buffers, wetlands and wetland buffers and floodplain will not be impacted and will be protected by virtue of placement within the forest conservation easement within Open Space Lot 30 (to be owned by the County). There are no historic features on site.

2. "Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading."

The proposed public road, stormwater management facilities and house site locations have been designed to help minimize grading impacts and have been placed in locations so as to avoid disturbances to on-site environmental features. The required forest conservation obligation is being met on-site through retention and planting. A total of 1.9 acres of retained forest (credited retention and forested floodplain) and 0.9 acre of planting will be placed under protective easement. The stormwater management facility and utilities have also been designed to minimize disturbance to the existing environmental features located on-site. The stormwater management features are located near the topographic low point of the site but are located out of the floodplain and stream buffer of the Little Patuxent River.

3. "Setbacks, landscaped buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts."

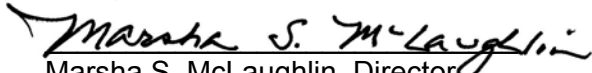
The site is not located within a designated historic district and historic features do not exist on site. Old Frederick Road is not considered a scenic road. However, in consideration of its minor arterial road classification, Type B landscaping (1 shade tree per 50 feet and 1 evergreen per 40 feet) will be provided within HOA owned open space Lots 27 and 28 which lie adjacent to this road. All new dwellings will be located more than 75' from existing, adjacent homes, with the closest existing home being approximately 230 feet from any newly proposed dwelling. A substantial Forest Conservation buffer will be planted along the eastern edge of this community. The project meets minimum requirements of the Howard County Landscape Manual for perimeter, stormwater management and street tree landscaping requirements.

SRC Action:

The Subdivision Review Committee (SRC) determined this plan may be approved, subject to the compliance with remaining comments from the Development Engineering Division and the Division of Land Development. **The Preliminary Equivalent Sketch Plan file is available for public review at the Public Service Counter of the Department of Planning and Zoning, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

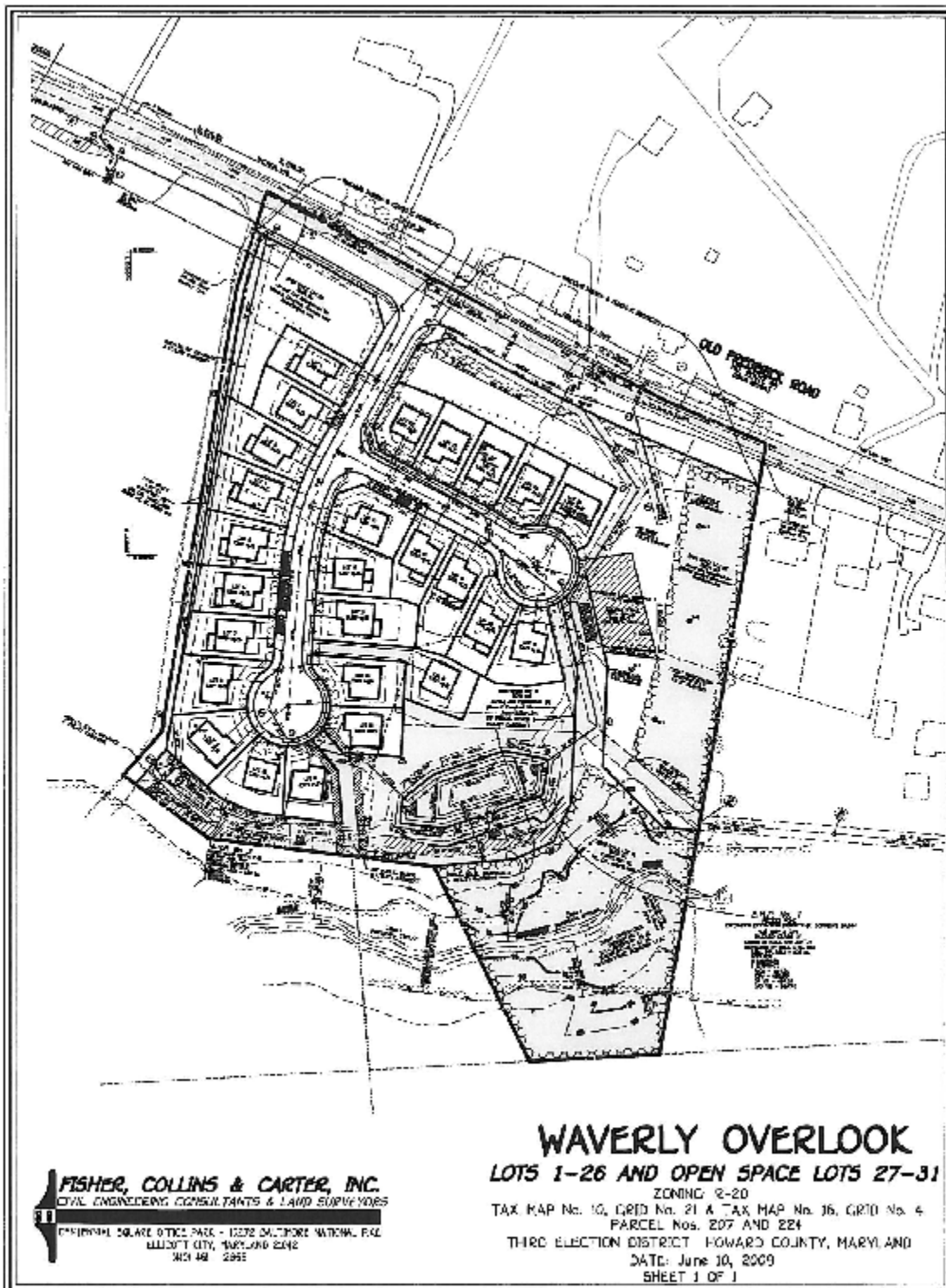
Recommendation:

The Department of Planning and Zoning recommends that the Planning Board approve this Preliminary Equivalent Sketch Plan subject to compliance with the remaining SRC agency comments issued for SP-09-009.


Marsha S. McLaughlin, Director
Department of Planning and Zoning

06/16/09

Date





Aerial Photograph of SP-09-009 (Waverly Overlook)